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Question of the Falkland Islands (Malvinas)

Letter dated 19 September 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith (see annex) the response of the Argentine Government to the British reply (A/66/706) to the Argentine report of 10 February 2012 on the militarization of the South Atlantic by the United Kingdom of Great Britain and Northern Ireland, issued as document A/66/696-S/2012/86.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 45, concerning the question of the Malvinas Islands.

(*Signed*) Mateo **Estreme**
Minister Chargé d'affaires a.i.

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Annex to the letter dated 19 September 2012 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Argentine Republic has the honour to write to the Secretary-General of the United Nations with reference to the letter addressed to him on 22 February 2012 by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations and circulated as document A/66/706.

The Argentine Republic notes that the United Kingdom has been unable to refute, and in some sections of its reply even acknowledges, the fact that it alone is responsible for its militarization of the South Atlantic.

The Secretary of State for Defence of the United Kingdom, Mr. Philip Hammond, has publicly acknowledged that Argentina has neither any intention of taking military action nor the military capability to attempt to retake the Islands, and that, moreover, he has not the slightest intelligence information that would point to the existence of a credible threat from the Argentine Republic with respect to the Malvinas Islands. This acknowledgement by the official responsible in the United Kingdom for all defence matters highlights the inherent absurdity of the statements made by that country in document A/66/706, where it claims to have militarized the Malvinas Islands for exclusively defensive purposes, in view of the continued threat that it seeks to attribute to Argentina.

Since the restoration of democracy in Argentina in 1983, no reasonable observer of political and military realities in the South Atlantic could seriously argue that Argentina constitutes a military threat, or that its posture has been such as to justify the militarization espoused by the United Kingdom, which is being achieved through the adoption of various unilateral measures of a hostile nature, which constitute a threat to the security of the region. The following are just a few examples of such unilateral measures:

(a) The upgrading of the Mount Pleasant military base, by the transfer there of the British military command for the South Atlantic. In that regard, and as was duly noted in the corresponding protest note, attention is drawn to the extension of the operational sphere of that base to areas outside the disputed area. Furthermore, the base has an important command and control centre and an electronic intelligence base that allows it to monitor the region's naval and air traffic, thereby facilitating British military deployment on a global scale. The base also has two transcontinental runways and a fleet of Eurofighter Typhoon fifth-generation combat aircraft, equipped with powerful cruise missiles capable of reaching much of the Southern Cone; such technology reflects the intention of the United Kingdom to increase its military strength in the South Atlantic;

(b) The conduct of military exercises with missile launches in the South Atlantic, duly reported by the Argentine Republic to the International Maritime Organization on the grounds that the said exercises constitute a violation by the United Kingdom of the international obligations assumed in that forum, since they jeopardize the safety of navigation in the South Atlantic;

(c) The increase in military capability for electronic reconnaissance and intelligence gathering, with the installation of a radar system that forms an active air defence system, which could be used to perform air and sea surveillance,

reconnaissance and control over a wide area of the South Atlantic and South America; the increase in military surface capability with the deployment of the destroyer *HMS Dauntless*, which is greatly superior in technological terms to the frigates stationed there to date; the increase in military air capability, the increase in military land capability in joint operations exercises and the increase in strategic military transport capability;

(d) The deployment of a nuclear submarine into the South Atlantic, with the capacity to introduce nuclear weapons in the region. In that regard, it should be noted that the introduction of nuclear weapons in the South Atlantic contravenes the Treaty of Tlatelolco, to which the United Kingdom is a party and the goal of which is the military denuclearization of Latin America; and

(e) The creation of a media event around the deployment to the Malvinas Islands of Prince William, second in the line of succession to the British throne, in his capacity as a senior officer of the British Army, to perform air and sea exercises; such actions constitute provocation and are repudiated by the Argentine Republic.

The Argentine Republic notes with concern the large number of troops deployed in the Malvinas Islands, as well as the proportion they represent relative to the civilian population. While the civilian population amounts to 3,000 inhabitants, there are between 1,500 and 2,000 British troops deployed in the Malvinas Islands. Moreover, the budget allocated by the United Kingdom to the defence of the Malvinas Islands is unlikely to be affected by the review of defence and security expenditure implemented by the Prime Minister, David Cameron.

This systematic strengthening of British offensive military capabilities in the South Atlantic is unfortunately taking place in a context characterized by the obstinate refusal of the United Kingdom to resume negotiations on sovereignty. It is also contrary to the provisions of General Assembly resolution 31/49, which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation of the Malvinas Islands while the sovereignty dispute is still unresolved.

The United Kingdom previously used a series of relatively varied arguments to try to maintain its position on the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. However, it now merely invokes a hypothetical right of peoples to self-determination as if that right were applicable to the population implanted by the United Kingdom in the Malvinas Islands. It is regrettable that the United Kingdom is arguing that the purpose of the increased militarization in the South Atlantic is to protect the alleged right to self-determination of that population and that it is making the resumption of negotiations conditional on their wishes. For several decades the United Nations General Assembly has recognized that the question of the Malvinas Islands is covered by one of the forms of colonialism; consequently, their current population is colonial, as is the political system that the United Kingdom seeks to apply in the disputed islands. The principle of self-determination of peoples does not entail enshrining the wishes of the colonists, but quite the opposite. Self-determination was never conceived as a tool to enable colonists to try to perpetuate the occupation of a territory that does not belong to them, which is precisely how the United Kingdom is seeking to apply that principle. It is no coincidence that the international community, in pronouncements of the General Assembly, has merely requested that .he sole parties to this sovereignty dispute

should bear in mind the interests of the population of the Islands. In other cases of decolonization, where a population with a right to self-determination truly exists, the international community has consulted the will of that people in several different ways. It did not do so on the question of the Malvinas Islands owing to the absence there of any people whose will has a bearing on the resolution of the sovereignty dispute between Argentina and the United Kingdom. Freeing the Malvinas Islands, South Georgia Islands and South Sandwich Islands from the colonial regime to which they are subject is a pending issue.

The statements contained in the British letter reproduced in document A/66/706 are full of contradictions.

The United Kingdom maintains that Argentina refuses to cooperate on confidence-building measures in the South Atlantic. However, in fact it is the United Kingdom that, for more than a decade, has maintained its refusal to hold meetings of the South Atlantic Working Group, the aim of which is to build confidence and prevent incidents in the military field. The increasing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas is also contrary to the object and purpose of the bilateral agreements on confidence-building measures in the military sphere and poses serious obstacles for continued cooperation in this area.

The aforementioned British measures are part of a long list of unilateral measures that the United Kingdom is taking in the disputed area, in violation of General Assembly resolution 31/49. It is incomprehensible how the United Kingdom can claim that Argentina has ceased bilateral cooperation on various matters related to the South Atlantic, when in fact unilateral acts by the United Kingdom made it impossible to continue such cooperation.

Argentina recalls that cooperation on fisheries issues in the South Atlantic has been prevented by successive unilateral acts by the United Kingdom, such as the establishment of alleged maritime jurisdictions around the Malvinas Islands in 1986 and 1990, and around the South Georgia Islands and South Sandwich Islands in 1993; the sale of fishing licences since 1987; the unilateral lifting in 1994 of the temporary total prohibition of fishing in the area defined in the Annex to the Joint Statement of 28 November 1990 and in the area to the west of that area; and the establishment in 2005 of a system to allocate 25-year fishing quotas in the waters surrounding the Malvinas Islands, a measure that constitutes a form of unlawful and unilateral long-term disposition of fisheries resources in the disputed maritime areas.

Similarly, Argentina recalls that the decision taken in 2007 to terminate the Joint Declaration on Cooperation over Offshore Activities in the South West Atlantic was attributable to differences of interpretation regarding the area of cooperation, as well as repeated unilateral activities by the United Kingdom that ran counter to what had been agreed in that instrument.

With regard to the operation of charter flights and the scheduled flight to the Malvinas Islands that LAN Chile operates on a weekly basis, referred to by the United Kingdom in its letter of 27 January 2012, it is regrettable that the British Government has failed to consider seriously the proposal put to it by Argentina with the aim of reviewing the current situation in relation to air links between mainland Argentina and the Malvinas Islands.

For as long as the United Kingdom continues to ignore the obligations incumbent on it under international law, in particular the Charter of the United Nations, as a party to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, Argentina has no choice but to take measures to protect its rights over its natural resources within its domestic jurisdiction. Argentina has already explained to the British counterpart that the regulations adopted, which include Decree No. 256/2010, are in conformity with international law, including the international law of the sea.

It is also necessary to clarify that all commitments made by the countries members of the Southern Common Market (MERCOSUR) constitute an expression of the sovereign will of each of its member States; such commitments comply with international law and the legislation of each of those countries. In this context, it must be recalled that the MERCOSUR measure cited by the United Kingdom in its letter of 27 January 2012 was adopted by all its member States with regard to a flag that is not considered lawful.

Lastly, Argentina rejects as totally unfounded the insinuation by the United Kingdom that some Argentine bases in Antarctica are military in nature. The Antarctic Treaty provides effective mechanisms for monitoring compliance with its provisions, which prohibit the establishment of military bases in Antarctica. The United Kingdom should have resorted to those mechanisms if its insinuation was serious. But it has not done so because that insinuation is groundless and was made solely to divert attention away from the real problem that its constant and increasing militarization of the South Atlantic poses for Argentina and the region.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are part of its national territory.